

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DIANA PAYNE

PLAINTIFF

v.

Civil No. 04-2189

THE UNIVERSITY OF ARKANSAS
FORT SMITH BY AND THROUGH THE
BOARD OF TRUSTEES OF THE
UNIVERSITY OF ARKANSAS

DEFENDANT

ORDER

On the 14th day of August 2006, this matter came on for trial to a duly selected jury consisting of eight members, the Honorable Robert T. Dawson presiding. The trial continued until August 18, 2006, when the case was submitted to the jury on interrogatories with a unanimous verdict as follows:

INTERROGATORY NO. 1: ON PLAINTIFF'S CLAIM THAT DEFENDANT VIOLATED THE EQUAL PAY ACT BY PAYING PLAINTIFF AT A RATE LESS THAN THE RATE AT WHICH DEFENDANT PAID WAGES TO EMPLOYEES OF THE OPPOSITE SEX FOR EQUAL WORK (See Instruction Nos. 11 & 12), WE THE JURY FIND IN FAVOR OF:

PLAINTIFF _____

DEFENDANT √ (based upon this answer, the jury was not required to answer Interrogatory Nos. 2-3)

INTERROGATORY NO. 4: ON PLAINTIFF'S CLAIM UNDER TITLE VII THAT DEFENDANT DISCRIMINATED AGAINST HER IN HER WAGES AND RANKING BASED UPON HER GENDER AS SUBMITTED IN INSTRUCTION NO. 15, WE THE

JURY FIND IN FAVOR OF:

PLAINTIFF _____

DEFENDANT ____√____

INTERROGATORY NO. 5: ON PLAINTIFF'S CLAIM THAT DEFENDANT DISCHARGED HER FOR COMPLAINING ABOUT THE GENDER DISCRIMINATION, AS SUBMITTED IN INSTRUCTION NO. 18, WE THE JURY FIND IN FAVOR OF:

PLAINTIFF ____√____

DEFENDANT _____

INTERROGATORY NO. 6: HAS IT BEEN PROVED BY THE PREPONDERANCE OF THE EVIDENCE THAT DEFENDANT WOULD HAVE PAID OR RANKED DIANA PAYNE LOWER THAN HER COLLEAGUES REGARDLESS OF HER GENDER, AS SUBMITTED IN INSTRUCTION NO. 19?

YES _____

NO ____√____

INTERROGATORY NO. 7: HAS IT BEEN PROVED BY THE PREPONDERANCE OF THE EVIDENCE THAT DEFENDANT WOULD HAVE DISCHARGED PLAINTIFF REGARDLESS OF HER COMPLAINTS OF GENDER DISCRIMINATION, AS SUBMITTED IN INSTRUCTION NO. 19?

YES _____

NO ____√____

INTERROGATORY NO. 8: STATE THE AMOUNT OF DAMAGES, AS SUBMITTED IN INSTRUCTION NOS. 20 & 21, THAT YOU FIND FROM THE PREPONDERANCE OF THE EVIDENCE SHOULD BE AWARDED TO PLAINTIFF FOR LOST WAGES AND BENEFITS; IF YOU FIND THAT PLAINTIFF'S DAMAGES DO

NOT HAVE A MONETARY VALUE, WRITE IN THE NOMINAL AMOUNT OF ONE DOLLAR (\$1.00).

ANSWER: \$27,636.73

INTERROGATORY NO. 9: STATE THE AMOUNT OF DAMAGES, AS SUBMITTED IN INSTRUCTION NOS. 20 & 21, THAT YOU FIND FROM THE PREPONDERANCE OF THE EVIDENCE SHOULD BE AWARDED TO PLAINTIFF FOR OTHER DAMAGES, EXCLUDING LOST WAGES AND BENEFITS, SUCH AS FUTURE PECUNIARY LOSSES, EMOTIONAL PAIN, SUFFERING, INCONVENIENCE, MENTAL ANGUISH, LOSS OF ENJOYMENT OF LIFE, AND OTHER NON-PECUNIARY LOSSES; IF YOU FIND THAT PLAINTIFF'S DAMAGES DO NOT HAVE A MONETARY VALUE, WRITE IN THE NOMINAL AMOUNT OF ONE DOLLAR (\$1.00).

ANSWER: \$134,166.67

Before entry of final judgment, the parties are directed to file any post-trial motions within the appropriate time periods and to submit any proposals for any entry of judgment in this matter. The defendant declined to appear at the Court's regularly scheduled settlement conference prior to trial, and the parties and counsel are now ORDERED TO APPEAR before the Honorable Beverly Stites Jones at the Judge Isaac Parker Federal Building, in **Room 226** at **2:00 p.m. on Wednesday, August 30, 2006**, to discuss issues in this case to include front pay, reinstatement, attorney's fees and costs.

IT IS SO ORDERED this 21st day of August 2006.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge